

Senate File 2295 - Introduced

SENATE FILE _____
BY DEARDEN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to operating a motor vehicle while fatigued and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6060XS 82
5 dea/rj/5

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1 1 Section 1. Section 321.209, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 8. Conviction of driving while fatigued
1 4 that causes the death of another in violation of section
1 5 707.6A, subsection 3A.
1 6 Sec. 2. NEW SECTION. 321.277B DRIVING WHILE FATIGUED.
1 7 1. For purposes of this section, "fatigued" means being
1 8 awake for more than twenty-four consecutive hours.
1 9 2. Unless otherwise provided by law, a person shall not
1 10 operate any motor vehicle while knowingly fatigued.
1 11 3. A person who violates this section commits a simple
1 12 misdemeanor.
1 13 Sec. 3. Section 321.555, subsection 1, Code 2007, is
1 14 amended by adding the following new paragraph:
1 15 NEW PARAGRAPH. i. Serious injury by a vehicle in
1 16 violation of section 707.6A, subsection 4A.
1 17 Sec. 4. Section 707.6A, Code 2007, is amended by adding
1 18 the following new subsections:
1 19 NEW SUBSECTION. 3A. A person commits a class "D" felony
1 20 when the person unintentionally causes the death of another by
1 21 operating a motor vehicle while knowingly fatigued in
1 22 violation of section 321.277B.
1 23 NEW SUBSECTION. 4A. A person commits an aggravated
1 24 misdemeanor when the person unintentionally causes a serious
1 25 injury to another, as defined in section 321J.1, by operating
1 26 a motor vehicle while knowingly fatigued in violation of
1 27 section 321.277B.

EXPLANATION

1 28 This bill relates to operating a motor vehicle while
1 29 fatigued and providing penalties.
1 30 The bill provides that a person shall not operate a motor
1 31 vehicle while the person is knowingly fatigued. The bill
1 32 defines "fatigued" to mean being awake for more than 24
1 33 consecutive hours.
1 34 Under the bill, a person who operates a motor vehicle while
2 1 knowingly fatigued commits a simple misdemeanor. The bill
2 2 also provides that a person who operates a motor vehicle while
2 3 knowingly fatigued commits a class "D" felony if the person
2 4 unintentionally causes the death of another, or an aggravated
2 5 misdemeanor if the person unintentionally causes a serious
2 6 injury to another.
2 7 Under the bill, a person convicted of driving while
2 8 fatigued shall have the driver's license or operating
2 9 privileges of the person revoked, pursuant to Code sections
2 10 321.209 and 321.212, for a period of up to one year if the
2 11 person caused the death of another. The person may be
2 12 eligible for a temporary restricted license pursuant to Code
2 13 section 321.215 but is required to pay a civil penalty in the
2 14 amount of \$50 or \$200 prior to receiving a temporary
2 15 restricted license or reinstatement of operating privileges
2 16 pursuant to Code section 321.218A.
2 17 Under the bill, a conviction for the offense of driving
2 18 while fatigued which causes serious injury is included in the
2 19 combination of offenses that determine if a person is a
2 20 habitual offender pursuant to Code section 321.555.

2 21 Upon a conviction for driving while fatigued, a person who
2 22 caused the death of another is liable for any county medical
2 23 examiner fees as provided in Code section 331.802, subsection
2 24 2.
2 25 A simple misdemeanor is punishable by confinement for no
2 26 more than 30 days or a fine of at least \$65 but not more than
2 27 \$625 or by both. An aggravated misdemeanor is punishable by
2 28 confinement for no more than two years and a fine of at least
2 29 \$625 but not more than \$6,250. A class "D" felony is
2 30 punishable by confinement for no more than five years and a
2 31 fine of at least \$750 but not more than \$7,500.
2 32 LSB 6060XS 82
2 33 dea/rj/5